IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1137 OF 2007

Premkumar Baldev Batra. ..Petitioner.
Versus
State of Maharashtra
and Anr. ..Respondents.

..

Mr.Arfan Sait, Adv. appointed for the Petitioner.

Mrs.A.S.Pai, APP, for the State.

..

CORAM : R.M.S.KHANDEPARKAR AND SMT.V.K.TAHILRAMANI,JJ.

DATED : SEPTEMBER 07, 2007.

P.C.:-

1. Heard the learned Advocate appointed for the petitioner and the learned APP for the State.

2. The petitioner had preferred an application for furlough which came to be granted. However, one of the conditions for releasing the petitioner on furlough is that the petitioner should furnish surety of Rs.15,000/-. The petitioner has now preferred this Petition

for reduction of the said amount to Rs.1000/-. It is the case of the petitioner that earlier when he was released on furlough he was released on surety of Rs.100/-, hence he has prayed that in the present case the amount be reduced to Rs.1000/-.

3. The learned APP pointed out that when the petitioner was earlier granted parole he had overstayed the period of parole by 70 days. However, the learned Advocate for the petitioner states that thereafter the petitioner had surrendered back to prison.

4. The learned APP has placed reliance on a circular bearing Outward No.Furlough Leave/Surety Amount/2006/Desk-5(8), Pune-1 dated 11th May, 2006 issued by the Inspector General (Prisons) wherein it is stated that in case of prisoners who have been released on furlough or parole leave and who have overstayed the period of furlough or parole leave, the minimum cash surety bond to be furnished by them should be Rs.10,000/-. Thus, the learned APP stated that

therefore the surety amount cannot be reduced below the amount of Rs.10,000/-.

5. Looking to all these facts, we are of the opinion that in the interest of justice, the surety amount of Rs.15,000/- should be reduced to Rs.10,000/-. Accordingly, the surety amount is reduced to Rs.10,000/- from Rs.15,000/-. Rule made absolute accordingly.

6. Writ Petition is disposed of. Jail authorities to communicate this order to the petitioner who is in Kolhapur Central Prison, Kolhapur.

[R.M.S.KHANDEPARKAR,J.]

[SMT.V.K.TAHILRAMANI,J.]